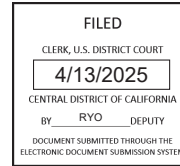


Todd R. G. Hill  
119 Vine Street  
Belton, TX 76513  
+1 [661] 899-8899  
toddryangregoryhill@gmail.com  
*In Propria Persona*



**UNITED STATES DISTRICT COURT FOR  
THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

**TODD R. G. HILL, et al,**

**Plaintiffs**

**vs.**

**THE BOARD OF DIRECTORS,  
OFFICERS AND AGENTS AND  
INDIVIDUALS OF THE PEOPLES  
COLLEGE OF LAW, et al.,**

**Defendants.**

**CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM**

**The Hon. Josephine L. Staton**  
Courtroom 8A, 8th Floor

**Magistrate Judge Brianna Fuller Mircheff**  
Courtroom 780, 7th Floor

**PLAINTIFF'S OPPOSITION TO  
DEFENDANT SPIRO'S MOTION TO  
DISMISS THE FOURTH AMENDED  
COMPLAINT**

**NO ORAL ARGUMENT REQUESTED**

**PLAINTIFF'S OPPOSITION TO DEFENDANT SPIRO'S MOTION TO DISMISS THE FOURTH AMENDED  
COMPLAINT**

CASE 2:23-cv-01298-JLS-BFM

## TABLE OF CONTENTS

I.	THE MOTION IS PROCEDURALLY DEFECTIVE AND SHOULD BE STRUCK OR DEFERRED .....	4
II.	BAD FAITH THREATS AND PROCEDURAL INTIMIDATION DISGUISED AS L.R. 7-3 COMPLIANCE.....	5
III.	SPIRO’S MOTION OMITTS THREATS YET ADMITS TO CORE CONDUCT ALLEGED IN THE COMPLAINT .....	6
IV.	PLAINTIFF’S ECONOMIC INJURY QUALIFIES FOR RICO STANDING .....	7
V.	PLAINTIFF’S RICO CLAIM IS LEGALLY AND FACTUALLY SUFFICIENT.....	9
VI.	THE UNRUH ACT CLAIM CANNOT BE RESOLVED THROUGH JUDICIAL NOTICE OR INFERENCES .....	10
VII.	THE STATUTORY IMMUNITY ARGUMENT MISAPPLIES SECTION 5047.5.....	12
VIII.	PLAINTIFF’S NEGLIGENT SUPERVISION CLAIM IS NOT INCONSISTENT .....	13
IX.	SPIRO’S MISREPRESENTATIONS INCLUDE, BUT ARE NOT LIMITED TO, PLAINTIFF’S DEGREE ELIGIBILITY .....	14
X.	SPIRO MISREPRESENTS PCL’S GRADUATION STRUCTURE TO OBSCURE PLAINTIFF’S DEGREE ELIGIBILITY .....	15
XI.	PLAINTIFF’S AMENDMENT HISTORY SUPPORTS, RATHER THAN UNDERMINES, LEAVE TO PROCEED .....	17
XII.	THE COURT’S INHERENT AUTHORITY .....	19
XIII.	PATTERN OF BAD FAITH AND PROCEDURAL NON-COMPLIANCE .....	19
XIV.	CONCLUSION .....	20
XV.	STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1 .....	21
XVI.	PLAINTIFF'S PROOF OF SERVICE .....	21

## Cases

<i>Bridge v. Phoenix Bond &amp; Indemnity Co.</i> , 553 U.S. 639 (2008).....	9
<i>Burch v. Regents of Univ. of California</i> , 433 F. Supp. 2d 1110, 1125 (E.D. Cal. 2006).....	20
<i>Canyon County v. Syngenta Seeds</i> , 519 F.3d 969 (9th Cir. 2008) .....	7
<i>Chaset v. Fleer/Skybox Int’l</i> , 300 F.3d 1083 (9th Cir. 2002).....	7
<i>Doe v. Capital Cities</i> , 50 Cal. App. 4th 1038, 1054–55 (1996).....	14
<i>Foman v. Davis</i> , 371 U.S. 178, 182 (1962) .....	18
<i>In re Oracle Corp. Sec. Litig.</i> , 627 F.3d 376, 386 n.1 (9th Cir. 2010).....	19
<i>Juarez v. Boy Scouts of America, Inc.</i> , 81 Cal. App. 4th 377, 395 (2000).....	14
<i>Landis v. North American Co.</i> , 299 U.S. 248, 254 (1936).....	11
<i>Lee v. City of Los Angeles</i> , 250 F.3d 668, 689 (9th Cir. 2001).....	19
<i>Lopez v. Smith</i> , 203 F.3d 1122, 1130–31 (9th Cir. 2000) .....	18
<i>Molsbergen v. United States</i> , 757 F.2d 1016, 1019 (9th Cir. 1985) .....	14

---

## PLAINTIFF’S OPPOSITION TO DEFENDANT SPIRO’S MOTION TO DISMISS THE FOURTH AMENDED COMPLAINT

CASE 2:23-cv-01298-JLS-BFM

*Niedermeier v. Office of Max S. Baucus*, 153 F. Supp. 2d 23 (D.D.C. 2001)..... 18

**Statutes**

18 U.S.C. § 1964(c) ..... 8

**Rules**

Fed. R. Civ. P. 8(d)(2)..... 14

Federal Rule of Evidence 201 ..... 11

Rule 12(d) ..... 20

Rule 56(e)..... 20

---

**PLAINTIFF’S OPPOSITION TO DEFENDANT SPIRO’S MOTION TO DISMISS THE FOURTH AMENDED COMPLAINT**

CASE 2:23-cv-01298-JLS-BFM

**PLAINTIFF’S SUPPLEMENTAL MOTION IN SUPPORT OF DOCKET 261: PLAINTIFF’S  
MOTION TO COMPEL COMPLIANCE WITH L.R. 7-3 AND TO ADDRESS BAD FAITH  
PROCEDURAL MISCONDUCT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff respectfully opposes Defendant Spiro’s Motion to Dismiss the Fourth Amended Complaint (FAC) [Dkt. 263] and requests that the Court deny the motion in its entirety. The motion is procedurally defective, substantively flawed, and rests on a selective and misleading account of the record. Spiro's continued refusal to comply with Local Rule 7-3, and his attempt to litigate factual disputes under the guise of a Rule 12(b)(6) motion, only reinforce the necessity of allowing the claims to proceed.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. THE MOTION IS PROCEDURALLY DEFECTIVE AND SHOULD BE  
STRUCK OR DEFERRED**

Spiro has once again failed to comply with Local Rule 7-3. His certification references an incomplete, bad faith email exchange, omitting that Plaintiff made repeated, written requests between April 4 and April 8, 2025, asking Spiro to identify the specific legal grounds, factual bases, and relief sought. Spiro declined to provide any such detail. Instead, he stated he would call at a time already objected to, made improper threats, and refused to meaningfully confer.

Spiro’s conduct constitutes bad faith under both the spirit and letter of Local Rule 7-3. As interpreted in *Carmax Auto Superstores Cal. LLC v. Hernandez*, 94 F. Supp. 3d 1078, 1084 (C.D. Cal. 2015), the rule is designed to encourage meaningful dialogue to narrow issues and avoid unnecessary motion practice. Defendant’s documented refusal to identify the legal grounds, factual

---

**PLAINTIFF’S OPPOSITION TO DEFENDANT SPIRO’S MOTION TO DISMISS THE FOURTH AMENDED  
COMPLAINT**

CASE 2:23-cv-01298-JLS-BFM

1 basis, or relief sought—despite multiple requests—made it impossible for Plaintiff to respond  
2 meaningfully or consider potential stipulations. This was not a procedural oversight; it was a  
3 calculated maneuver. The refusal confirms that Defendant never intended to narrow the issues, but  
4 instead sought to preserve ambiguity until filing, in order to manufacture an appearance of legal  
5 gravitas around what is, in substance, a procedurally defective and facially meritless motion. Such  
6 conduct frustrates the orderly administration of justice and demonstrates a pattern of strategic evasion  
7 inconsistent with Rule 11 and L.R. 7-3 obligations.  
8  
9

10  
11 This is not mere procedural noncompliance; it is part of a documented pattern of evasion designed  
12 to deprive Plaintiff of the opportunity to prepare for substantive engagement. The Court should reject  
13 the motion for failure to comply with L.R. 7-3 or defer its resolution until Docket 261 (Plaintiff's  
14 Motion to Compel Compliance with L.R. 7-3 and to Address Bad Faith Procedural Misconduct) and  
15 its supplemental filing are fully considered.  
16  
17

18 **II. BAD FAITH THREATS AND PROCEDURAL INTIMIDATION DISGUISED**  
19 **AS L.R. 7-3 COMPLIANCE**

20 Spiro's omission of coercive conduct undermines Defendant's claim of Rule 7-3 compliance.

21 As shown in Exhibit B of Plaintiff's yet to be docketed "PLAINTIFF'S SUPPLEMENTAL  
22 MOTION IN SUPPORT OF DOCKET 261: PLAINTIFF'S MOTION TO COMPEL  
23 COMPLIANCE WITH L.R. 7-3 AND TO ADDRESS BAD FAITH PROCEDURAL  
24 MISCONDUCT", (See Tracking No. EDS-250409-001-9099), Mr. Spiro sent a series of emails on  
25 April 8, 2025, in which he explicitly threatened to pursue a malicious prosecution lawsuit against  
26 Plaintiff. These threats were made under the pretense of a Local Rule 7-3 meet and confer, despite  
27 prior warnings that such conduct was procedurally improper. Rather than engage in a good faith  
28

1 exchange regarding the basis of his contemplated motion, Spiro used the pre-motion dialogue to issue  
2 coercive warnings—culminating in the statement, “It is important to remind you of the risk you’re  
3 taking.” These communications were not tethered to any legitimate legal argument. Instead, they  
4 appear designed to intimidate Plaintiff into abandoning his claims, thereby substituting procedural  
5 intimidation for legal merit.  
6

7  
8 Spiro did not disclose these communications in his motion. Their omission, and the effort to  
9 present his conduct as compliant with L.R. 7-3, only reinforces the conclusion that the motion was  
10 filed in bad faith and supported by no genuine intent to narrow issues or engage meaningfully. This  
11 pattern of evasion and escalation is consistent with prior behavior documented in Docket 261 and  
12 reflects a continued misuse of the procedural process to misrepresent position and apply pressure  
13 rather than to resolve legal disputes.  
14

### 15 16 **III. SPIRO’S MOTION OMITTS THREATS YET ADMITS TO CORE CONDUCT 17 ALLEGED IN THE COMPLAINT**

18 Defendant Spiro’s Motion to Dismiss asserts that Plaintiff’s Fourth Amended Complaint (FAC)  
19 fails to plead facts with specificity and lacks factual support for its claims of procedural coercion,  
20 discriminatory treatment, and fraud. Yet Spiro’s own exhibits—submitted in support of this very  
21 motion—confirm the conduct alleged, while his failure to disclose more egregious communications  
22 demonstrates selective omission and reinforces Plaintiff’s allegations of bad faith.  
23

24 As detailed in Exhibit B to Plaintiff’s Supplemental Motion in Support of Docket 261 (Tracking  
25 No. EDS-250409-001-9099), Spiro sent a series of emails on April 8, 2025, threatening Plaintiff with  
26 a malicious prosecution lawsuit during what he has styled as part of a Local Rule 7-3 meet and confer  
27 compliant communication. These threats, including the statement “It is important to remind you of  
28 the risk you’re taking,” were made after Plaintiff had already warned Spiro that such threats were

---

**PLAINTIFF’S OPPOSITION TO DEFENDANT SPIRO’S MOTION TO DISMISS THE FOURTH AMENDED  
COMPLAINT**

1 procedurally improper and would be raised before the Court if repeated. Rather than engage in any  
2 good faith exchange regarding legal basis or potential stipulations, Spiro used the meet and confer  
3 process to issue coercive warnings untethered from any legitimate legal argument. This conduct  
4 squarely supports the allegations of procedural intimidation and bad faith that underlies Docket 261  
5 and that Spiro's present motion to dismiss fails to address entirely.  
6

7  
8 Even more critically, Spiro's own exhibits (e.g., Exhibits 1 and 2 to Docket 263) contain internal  
9 communications confirming his discretionary role in transcript modification and his participation in  
10 correspondence where transcript adjustments were conditioned on retroactive status changes and  
11 tuition payments. These same communications were cited in Plaintiff's FAC and earlier filings as  
12 examples of the fraudulent inducement, concealment, and arbitrary enforcement patterns that affected  
13 Plaintiff's bar eligibility and academic standing.  
14

15 Spiro's attempt to both (1) deny that such conduct is properly pled, and (2) simultaneously  
16 introduce those very same communications into the record—without disclosing the threats issued  
17 during the meet and confer process—exemplifies bad faith motion practice.  
18

19 It is not the FAC that lacks particularity or support; it is the motion to dismiss that lacks candor.  
20 The Court should view this selective and self-serving submission of partial exhibits as further  
21 evidence that Spiro's motion was not filed to narrow or resolve claims, but to gain procedural  
22 advantage while evading scrutiny for documented misconduct.  
23

#### 24 **IV. PLAINTIFF'S ECONOMIC INJURY QUALIFIES FOR RICO STANDING**

25 Defendant Spiro argues that Plaintiff fails to allege an injury "qualifying as injury to business  
26 or property" under RICO, invoking *Canyon County v. Syngenta Seeds*, 519 F.3d 969 (9th Cir. 2008),  
27 and *Chaset v. Fleer/Skybox Int'l*, 300 F.3d 1083 (9th Cir. 2002). These cases are inapposite. Plaintiff  
28

1 does not allege speculative future losses or intangible harms. The Fourth Amended Complaint (FAC)  
2 pleads concrete, pecuniary injuries that fall well within the scope of civil RICO standing under 18  
3 U.S.C. § 1964(c).  
4

5 Specifically, Plaintiff alleges:

- 6 a. That he paid tuition and associated fees to Peoples College of Law (PCL) under false  
7 pretenses regarding academic credit, transcript accuracy, and bar eligibility (FAC ¶¶ 46–58,  
8 123, 131–135);  
9  
10 b. That Spiro and others conspired to suppress corrections to his transcript in a discriminatory  
11 manner, despite having corrected others’ (¶¶ 148–149, 157–158);  
12  
13 c. That the falsified records and administrative obstruction derailed Plaintiff’s licensing  
14 pathway, costing him months or years of earning potential in his chosen profession (¶¶ 84,  
15 138–140, 166).  
16

17 These allegations describe more than disappointment or lost opportunity; they establish a  
18 direct financial injury to Plaintiff’s property interest in a completed legal education, professional  
19 licensure track, and economic use of his academic credentials. Such injuries are not “speculative” or  
20 “intangible.” They are quantifiable harms tied to:

- 21 1. Money paid under fraudulent inducement;  
22  
23 2. Economic losses incurred from the obstruction of Plaintiff’s advancement  
24 toward licensure;  
25  
26 3. Suppressed credentialing, which undermines Plaintiff’s ability to monetize his  
27 education or compete professionally.  
28

This distinguishes Plaintiff’s case from *Chaset*, where the plaintiffs received what they paid  
for (trading cards), or *Gelt Funding*, where the claimed injury was merely an increased risk of



1 financial loss. Here, Plaintiff **suffered the loss of both educational investment and professional**  
2 **access** due to Spiro’s documented participation in a racketeering pattern that included fraud,  
3 obstruction, and retaliation.  
4

5 As the Supreme Court confirmed in *Bridge v. Phoenix Bond & Indemnity Co.*, 553 U.S. 639,  
6 647–48 (2008), RICO standing does not require the “strictest formulation of directness,” only that the  
7 plaintiff’s injury was **proximately caused by the predicate acts**. That standard is met here. Plaintiff  
8 has alleged a consistent pattern of fraudulent recordkeeping, selective enforcement, and procedural  
9 retaliation that directly impaired his ability to convert his education into professional capital. These  
10 allegations are not speculative—they are supported by emails, institutional records, regulatory  
11 responses, and revoked accreditation.  
12

13 Accordingly, Plaintiff’s RICO claim is properly grounded in qualifying injury to business or  
14 property, and the motion should be denied on that basis.  
15

16  
17 **V. PLAINTIFF’S RICO CLAIM IS LEGALLY AND FACTUALLY SUFFICIENT**  
18

19 Spiro claims that Plaintiff fails to allege harm to business or property and lacks specificity  
20 under Rule 9(b). Both assertions are wrong. The FAC alleges economic injury flowing from fraud in  
21 the inducement of tuition payments, obstruction of transcript accuracy, and manipulation of bar  
22 eligibility—all of which constitute concrete injuries to business or property under *Bridge v. Phoenix*  
23 *Bond & Indemnity Co.*, 553 U.S. 639 (2008).  
24

25 The FAC further pleads the fraudulent scheme with sufficient particularity. For example, FAC ¶¶  
26 84, 123, 138, 148, and 149 include and allege:  
27

- 28 a. Specific communications (dates, senders, content) where Spiro and others provided false  
representations or suppressed material facts.

- b. Tuition paid under false pretenses.
- c. Deprivation of educational value (a quantifiable contractual interest).
- d. Admissions and internal inconsistencies in transcript-related correspondence;
- e. A pattern of conduct that affected not just Plaintiff, but multiple students.
- f. Spiro's personal role in transcript obstruction and financial misrepresentation (supported by emails and State Bar correspondence).

Rule 9(b) requires particularity, not perfection. Where facts are within the exclusive knowledge of defendants, allegations based on available documentation—particularly when reinforced by judicially noticeable materials—satisfy the standard.

Furthermore, Spiro ignores the doctrine that educational contracts and fraud in the inducement relating to tuition can qualify as property injury under RICO where there's a pattern (see *Bridge v. Phoenix Bond & Indemnity Co.*, 553 U.S. 639 (2008)) and the copious incorporation of specific dates, emails, and institutional actors, particularly in allegations tied to transcript falsification and State Bar concealment, contained within the FAC and culminating with the timeline presented in its Exhibit 10.

## **VI. THE UNRUH ACT CLAIM CANNOT BE RESOLVED THROUGH JUDICIAL NOTICE OR INFERENCES**

Spiro attempts to convert judicial notice into a tool for dismissing the claim on the merits. That is improper. Plaintiff's Unruh Act claim is based on discriminatory treatment in transcript correction and academic progression. The FAC pleads facts showing that other similarly situated students received favorable treatment or institutional support while Plaintiff was subject to obstruction.

Spiro's motion attaches materials for the sole purpose of disputing Plaintiff's version of events. But at the 12(b)(6) stage, such factual disputes are not resolved. Judicial notice may establish that

1 documents exist—not that the Court must accept Spiro’s interpretation of their meaning or  
2 credibility.  
3

4  
5 The Court possesses both the authority and discretion to take judicial notice of documents and  
6 communications that are central to assessing procedural compliance, especially where such  
7 compliance is mandated by the Local Rules. Under Federal Rule of Evidence 201, courts may take  
8 judicial notice of adjudicative facts that are “not subject to reasonable dispute” and are either  
9 “generally known” or “can be accurately and readily determined from sources whose accuracy cannot  
10 reasonably be questioned.”  
11

12  
13 Moreover, courts have inherent authority to manage their own proceedings and enforce  
14 compliance with procedural rules, including Local Rule 7-3, to ensure judicial efficiency and the fair  
15 administration of justice. See *Landis v. North American Co.*, 299 U.S. 248, 254 (1936) (recognizing  
16 the court’s inherent power to control the disposition of the causes on its docket).  
17

18 In this case, Spiro seeks to obscure rather than clarify the record by selectively introducing  
19 documents to create a false appearance of factual resolution. But judicial notice does not permit a  
20 defendant to substitute interpretation for adjudication, nor does it allow the Court to dismiss well-  
21 pleaded claims under the guise of notice-based factfinding. **The question before the Court is not**  
22 **whether documents exist, but whether the facts alleged, taken as true, plausibly support a claim**  
23 **of discriminatory treatment. They do.** Plaintiff has alleged a coherent, supported theory of unequal  
24 treatment that is neither conclusory nor speculative. At this stage, it is not the Defendant’s narrative  
25 that controls, but the sufficiency of Plaintiff’s allegations. Spiro’s attempt to bypass that standard  
26 should be rejected.  
27  
28

1                   **VII. THE STATUTORY IMMUNITY ARGUMENT MISAPPLIES SECTION 5047.5**

2                   Spiro invokes California Corporations Code § 5047.5(b) to argue that he is categorically  
3  
4 immune from negligence claims because he was a volunteer board member. But the statute contains  
5 express exceptions for fraud, willful misconduct, and gross negligence, all of which are pled with  
6 supporting detail.

7  
8                   There is also a substantial factual question as to whether Spiro was, in fact, a member of the  
9 Board of Directors during the relevant period. Even assuming arguendo that he held such a position,  
10 the conduct alleged in the FAC, including transcript tampering, suppression of records, retaliation  
11 and discriminatory obstruction of academic certification, would fall well outside the scope of  
12 protected governance activity.

13  
14  
15                   These are not “mere” negligent acts; they reflect institutional concealment and grossly  
16 irresponsible governance. Moreover, Spiro offers no competent evidence that PCL met all statutory  
17 prerequisites for immunity during the periods in question.

18  
19  
20                   Importantly, Plaintiff served as a **Board Member and corporate officer** of Peoples College of  
21 Law during the relevant period and participated in governance activities subject to regulatory  
22 oversight. Based on that direct experience, Plaintiff can attest that many statutory obligations,  
23 including transparency, fiduciary duty, and compliance with licensing standards, were routinely  
24 ignored. This perspective further undermines Spiro’s assertion that PCL met all statutory  
25 prerequisites for immunity, particularly those involving liability insurance and adherence to nonprofit  
26 governance protocols. Here, Plaintiff has claimed retaliation based on his efforts to bring PCL into  
27 compliance.  
28

1 Notably, Spiro also acted at various times as legal counsel, and in at least one judicial  
2 proceeding, sought remuneration for his services. These facts cast serious doubt on whether he  
3 qualifies for the statutory immunity conferred by California Corporations Code § 5047.5(b), which  
4 applies only to uncompensated volunteer directors acting within the scope of their board  
5 responsibilities and not engaged in grossly negligent or fraudulent conduct. At a minimum, these  
6 issues are **not resolvable on a motion to dismiss** and must be assessed based on evidence at a later  
7 stage.  
8  
9

10  
11 It bears emphasizing that the record already reflects that Peoples College of Law's  
12 accreditation was formally revoked by the State Bar of California, confirming a systemic breakdown  
13 in governance, compliance, and academic integrity during the period in which Spiro held positions of  
14 leadership and influence. That institutional finding is not merely consistent with Plaintiff's  
15 allegations, it validates them. The institutional determination directly supports the plausibility of  
16 Plaintiff's allegations and undermines Defendant's effort to recast systemic procedural obstruction as  
17 benign administrative oversight. By itself, the regulatory outcome underscores that Plaintiff's claims  
18 are grounded in demonstrable fact and cannot be dismissed as implausible or conclusory.  
19  
20

21  
22 At a minimum, these issues are not resolvable on a motion to dismiss and must be addressed  
23 based on the evidentiary record. The procedural posture of this case does not permit dismissal based  
24 on self-serving characterizations of factual and legal status that remain in dispute.  
25

## 26 **VIII. PLAINTIFF'S NEGLIGENT SUPERVISION CLAIM IS NOT INCONSISTENT**

27 Spiro argues that Plaintiff's negligent supervision claim fails because Plaintiff alleges intentional  
28 misconduct elsewhere. That is not the law.

1 That is not the law. Courts routinely permit plaintiffs to plead claims in the alternative, including  
2 negligence alongside intentional torts. See Fed. R. Civ. P. 8(d)(2); *Molsbergen v. United States*, 757  
3 F.2d 1016, 1019 (9th Cir. 1985) (“A party may set forth two or more statements of a claim or defense  
4 alternately or hypothetically.”). Moreover, California courts have long recognized that negligent  
5 supervision or retention claims may proceed even where the supervised party is alleged to have  
6 engaged in willful or intentional misconduct. See *Juarez v. Boy Scouts of America, Inc.*, 81 Cal. App.  
7 4th 377, 395 (2000) (holding that liability for negligent supervision may attach “even when the  
8 employee's conduct is outside the scope of employment, so long as the employer knew or should  
9 have known of the danger.”); *Doe v. Capital Cities*, 50 Cal. App. 4th 1038, 1054–55 (1996). In this  
10 case, Plaintiff alleges that board members—including Spiro—knew or should have known of  
11 systemic transcript fraud and discriminatory obstruction, yet failed to take action. Such inaction, in  
12 the face of known risk, is a classic basis for negligent supervision.  
13

14 Even intentional misconduct can be the product of negligent supervision, particularly when board  
15 members fail to act in the face of known risk or misconduct.  
16

17  
18  
19  
20 **IX. SPIRO’S MISREPRESENTATIONS INCLUDE, BUT ARE NOT LIMITED TO,**  
21 **PLAINTIFF’S DEGREE ELIGIBILITY**

22 Defendant repeatedly refers to Peoples College of Law (PCL) as a “four-year program” in an  
23 effort to suggest that Plaintiff’s academic claims are premature, incomplete, or speculative. This  
24 characterization is misleading and appears designed to divert the Court from the central and  
25 undisputed fact: Plaintiff met and exceeded the required unit threshold for the award of a Juris Doctor  
26 degree after three years of coursework—regardless of whether the State Bar deemed him eligible to  
27 sit for the bar exam.  
28

1 As alleged in the Fourth Amended Complaint and supported by attached transcripts and  
2 correspondence, Plaintiff earned more than the number of academic units required for graduation  
3 under PCL's own policies (FAC ¶¶ 74–84, 131–134). At no time has Defendant Spiro refuted this  
4 core fact. Instead, he relies on vague references to a "four-year program" while refusing to  
5 acknowledge that Plaintiff's academic completion was a separate and distinct matter from his  
6 regulatory eligibility to pursue licensure.  
7

8  
9 This distinction is critical. The issue before the Court is not whether Plaintiff was immediately  
10 bar-eligible, but whether he was entitled to receive his degree based on completed coursework and  
11 institutional credit. Spiro—acting in his dual capacity as administrator and legal counsel—refused to  
12 confer Plaintiff's degree or correct the underlying transcript, despite having done so for similarly  
13 situated students. This discriminatory withholding of a conferred degree constitutes a deprivation of  
14 educational property and supports both Plaintiff's RICO and Unruh Act claims.  
15

16 Furthermore, Spiro has never affirmatively stated that Plaintiff was ineligible to receive a  
17 Juris Doctor degree under the school's internal academic standards. Instead, he conflates bar  
18 eligibility with degree entitlement in an effort to deflect from his own obstruction. This misdirection  
19 is not a legal defense—it is a procedural sleight of hand that fails under scrutiny.  
20

21 Plaintiff does not claim a lost opportunity or personal disappointment. He claims that he was  
22 entitled to a degree based on his academic performance, and that Spiro participated in a knowing and  
23 coordinated effort to withhold it—while manipulating institutional processes and policies to suppress  
24 objections and evade institutional responsibility.  
25  
26

27 **X. SPIRO MISREPRESENTS PCL'S GRADUATION STRUCTURE TO**  
28 **OBSCURE PLAINTIFF'S DEGREE ELIGIBILITY**

1 Defendant repeatedly refers to Peoples College of Law (PCL) as a "four-year program" in an  
2 effort to suggest that Plaintiff's academic claims are premature, incomplete, or speculative. This  
3 characterization is misleading and appears designed to divert the Court from the central and  
4 undisputed fact: Plaintiff met and exceeded the required unit threshold for the award of a Juris Doctor  
5 degree **after three years of coursework**, regardless of whether the State Bar deemed him eligible to  
6 sit for the bar exam.

7  
8  
9 As alleged in the Fourth Amended Complaint and supported by attached transcripts and  
10 correspondence, Plaintiff earned more than the number of academic units required for graduation  
11 under PCL's own policies (FAC ¶¶ 74–84, 131–134). At no time has Defendant Spiro refuted this  
12 core fact. Instead, he relies on vague references to a "four-year program" while refusing to  
13 acknowledge that Plaintiff's **academic completion** was a separate and distinct matter from his  
14 **regulatory eligibility** to pursue licensure.

15  
16 This distinction is critical. The issue before the Court is not whether Plaintiff was immediately  
17 bar-eligible, but whether he was **entitled to receive his degree** based on completed coursework and  
18 institutional credit. Spiro—acting in his dual capacity as administrator and legal counsel—refused to  
19 confer Plaintiff's degree or correct the underlying transcript, despite having done so for similarly  
20 situated students. This discriminatory withholding of a conferred degree constitutes a **deprivation of**  
21 **educational property** and supports both Plaintiff's RICO and Unruh Act claims.

22  
23  
24 Furthermore, Spiro has **never affirmatively stated** that Plaintiff was ineligible to receive a  
25 Juris Doctor degree under the school's internal academic standards. Instead, he conflates bar  
26 eligibility with degree entitlement in an effort to deflect from his own obstruction. This misdirection  
27 is not a legal defense; it is a procedural sleight of hand that fails under scrutiny.  
28



1 Plaintiff does not claim a lost opportunity or personal disappointment. He claims that he was  
2 entitled to a degree based on his academic performance, and that Spiro participated in a knowing and  
3 coordinated effort to withhold it—while manipulating institutional processes and policies to suppress  
4 objections and evade institutional responsibility.  
5

6  
7 **XI. PLAINTIFF’S AMENDMENT HISTORY SUPPORTS, RATHER THAN**  
8 **UNDERMINES, LEAVE TO PROCEED**  
9

10 Spiro misrepresents Plaintiff’s amendment record. The Fourth Amended Complaint (FAC)  
11 was not filed in defiance of the Court’s prior orders and was submitted after the Court explicitly  
12 allowed Plaintiff to proceed with claims under RICO, the Unruh Civil Rights Act, negligence, and  
13 negligent supervision. In accordance with that guidance, Plaintiff removed all previously dismissed  
14 claims and streamlined the complaint to address only those theories preserved by the Court in its  
15 February 27, 2025 order [see Dkt. 248].  
16

17 Each amendment reflects not repetition, but factual evolution based on newly obtained  
18 documents, many of which were secured through public records requests or produced by the State  
19 Bar well after earlier rounds of briefing. These include internal communications confirming  
20 discriminatory transcript handling, records preservation issues, unlawful payment demands or  
21 services denials, and Spiro’s own admissions of non or selective compliance. The FAC also  
22 integrates public regulatory actions, such as the State Bar’s revocation of PCL’s accreditation, which  
23 directly reinforce Plaintiff’s core claims.  
24

25 Plaintiff has not engaged in frivolous or abusive amendment. Rather, each version of the  
26 complaint shows increased legal clarity, factual specificity, and conformity with procedural  
27 standards. The FAC is the product of Plaintiff’s diligent efforts to align the pleading with the Court’s  
28

1 instruction, address prior concerns, and present the most coherent, substantiated version of the case.  
2  
3 Courts consistently hold that amendment is proper where new facts emerge or institutional  
4 concealment has delayed discovery. See *Foman v. Davis*, 371 U.S. 178, 182 (1962); *Lopez v. Smith*,  
5 203 F.3d 1122, 1130–31 (9th Cir. 2000) (en banc).

6 By contrast, Defendant Spiro has not meaningfully altered his litigation posture in light of the  
7 evolving record and now seeks to penalize Plaintiff for exercising diligence.  
8

9 In *Carmax Auto Superstores Cal. LLC v. Hernandez*, 94 F. Supp. 3d 1078 (C.D. Cal. 2015), the  
10 court emphasized that compliance with Local Rule 7-3 is mandatory, requiring meaningful  
11 engagement prior to filing motions. Failure to comply can result in the court refusing to consider the  
12 motion altogether. Similarly, *Niedermeier v. Office of Max S. Baucus*, 153 F. Supp. 2d 23 (D.D.C.  
13 2001), establishes that superficial or perfunctory attempts at compliance with meet-and-confer  
14 requirements do not satisfy the rule’s purpose of fostering genuine efforts to narrow or resolve issues.  
15  
16

17 Courts have consistently held that perfunctory gestures do not satisfy the requirements of L.R. 7-  
18 3. Simply scheduling a phone call without providing the legal and factual basis for anticipated  
19 motions is insufficient. See Docket 197, partially judicially noticed at Docket 248, where the Court  
20 previously noted the dates and existence of records that strongly support the inference of similar non-  
21 compliant conduct by Defendants.  
22  
23

24 Here, Defendant Spiro has repeatedly refused to provide the specific legal grounds, factual basis,  
25 or relief sought for his anticipated motions, as required by L.R. 7-3. Instead, Spiro has attempted to  
26 manufacture the appearance of compliance by scheduling a phone call without the necessary  
27  
28

---

**PLAINTIFF’S OPPOSITION TO DEFENDANT SPIRO’S MOTION TO DISMISS THE FOURTH AMENDED  
COMPLAINT**

CASE 2:23-cv-01298-JLS-BFM

1 disclosures. This conduct directly undermines the purpose of the rule and frustrates the Court's  
2 interest in procedural efficiency.  
3

4 Thus, the record supports moving forward on the merits, not dismissal based on an artificially  
5 framed amendment history.  
6

## 7 **XII. THE COURT'S INHERENT AUTHORITY**

8 The Court has the inherent authority to enforce its procedural rules and ensure compliance where  
9 parties have engaged in bad faith or obstructive conduct. See *Landis v. North American Co.*, 299 U.S.  
10 248, 254 (1936) ("The power to stay proceedings is incidental to the power inherent in every court to  
11 control the disposition of the causes on its docket with economy of time and effort for itself, for  
12 counsel, and for litigants.").

13 Additionally, the Court may take judicial notice of documents central to evaluating compliance  
14 with procedural rules, particularly where authenticity is not in dispute. See *Lee v. City of Los Angeles*,  
15 250 F.3d 668, 689 (9th Cir. 2001). This includes email exchanges that establish whether the parties  
16 have adhered to L.R. 7-3's requirements. See also *In re Oracle Corp. Sec. Litig.*, 627 F.3d 376, 386  
17 n.1 (9th Cir. 2010) (permitting judicial notice of documents not subject to reasonable dispute).  
18

## 19 **XIII. PATTERN OF BAD FAITH AND PROCEDURAL NON-COMPLIANCE**

20 The record established in Docket 197 and partially judicially noticed at Docket 248, and now  
21 further supplemented by Docket 261 and the pendant supplemental filing (See EDS Tracking. No.  
22 EDS-250409-001-9099) reveals a persistent pattern of procedural evasion by the Defendants. Here,  
23 Spiro's current approach mirrors previous conduct designed to circumvent proper meet and confer  
24 processes. Courts have recognized that repeated non-compliance with procedural requirements  
25  
26  
27  
28

1 constitutes bad faith. See *Burch v. Regents of Univ. of California*, 433 F. Supp. 2d 1110, 1125 (E.D.  
2 Cal. 2006) (noting that courts are not required to accept sham compliance with procedural  
3 requirements).

4  
5 Defendant Spiro's conduct actively undermines the judicial process by preventing meaningful  
6 engagement and obstructing attempts to narrow issues before motion practice. The use of L.R. 7-3 as  
7 a mere procedural formality, rather than a tool for genuine engagement, demonstrates a deliberate  
8 attempt to frustrate Plaintiff's ability to adequately prepare and respond.  
9

#### 10 11 **XIV. CONCLUSION**

12 Defendant Spiro's motion is procedurally improper, legally flawed, and selectively inaccurate.  
13 Plaintiff respectfully requests that the Court deny the motion or, in the alternative, defer ruling until  
14 Plaintiff's motion to compel compliance with L.R. 7-3 (Docket 261) and its supplement are fully  
15 addressed.  
16

17  
18 Plaintiff does not request oral argument and submits this matter on the papers pursuant to Local  
19 Rule 7-15. However, Plaintiff is prepared to appear and respond to any questions the Court may have  
20 should the Court determine that oral argument would be helpful.  
21

22  
23  
24 If the Court is inclined to consider the motion on the merits, Plaintiff requests the opportunity to  
25 submit a reply declaration and record citations in support of specific factual allegations under Rule  
26 12(d) or Rule 56(e), should the Court convert any portion of the motion based on submitted exhibits.  
27  
28

1 Dated: April 13, 2025

2 Respectfully submitted,

3  
4  
5  
6  
7




8 Todd R. G. Hill  
9 Plaintiff, Pro Se

10  
11 **XV. STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

12 The undersigned party certifies that this brief contains 5,008 words, which complies with the 7,000-  
13 word limit of L.R. 11-6.1.

14 Respectfully submitted,

15  
16  
17



18 April 13, 2025

19 Todd R.G. Hill

20 Plaintiff, in Propria Persona  
21

22  
23  
24  
25 **XVI. PLAINTIFF'S PROOF OF SERVICE**

26 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-  
27 3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a  
28 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the

1 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court  
2 and (2) all pro se parties who have been granted leave to file documents electronically in the case  
3 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service  
4 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.  
5 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal  
6 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.  
7

8 Respectfully submitted,  
9

10   
11  
12

13 April 13, 2025

14 Todd R.G. Hill

15 Plaintiff, in Propria Persona  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

---

**PLAINTIFF'S OPPOSITION TO DEFENDANT SPIRO'S MOTION TO DISMISS THE FOURTH AMENDED  
COMPLAINT**

CASE 2:23-cv-01298-JLS-BFM